

IN RE: PETITION FOR ZONING VARIANCE
20/5 of West Woodwell Rd. 550'
NW of c/l of Trappe Road
2713 Woodwell Road
12th Election District
7th Councilmanic District
Ralph A. Long, Jr., et al.
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-180-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 1802.3.B. and 301.1 to permit a 1 foot side yard setback in lieu of the minimum 7.5 feet for an open projection (carport), in accordance with Petitioners' Exhibit 1.

The Petitioners, Mr. Ralph A. Long, Jr. and Ms. Angela M. Simmons appeared and testified. There were no Protestants.

Testimony indicated that the subject property, located 2713 W. Woodwell Road, Baltimore, Maryland, 21222, is zoned D.R.S.S.

Testimony and evidence indicated that the Petitioners' lot does not have a location thereof that would permit an attached carport on either side of the house, due to the setback requirements and, therefore, if the regulations were strictly enforced, the Petitioners would be prohibited from constructing a carport.

The Petitioners discussed the matter with their neighbors on lot No. 138, which is the property immediately adjacent to the proposed additional structure, and they indicated they were not opposed to the construction of the open projection carport.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical

difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare

of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of November, 1989 that the Petition for a variance to permit a 1 foot side yard setback in lieu of the minimum 7.5 feet for an open projection (carport), in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.
- 3) The proposed carport shall not be enclosed on either the rear, side or front end. Furthermore, the proposed carport shall not be used as an expansion of the habitable space of the existing dwelling unit. There shall be no additional additions to this property in the future.

J. Robert Haines
Zoning Commissioner for Baltimore County

JRH:mn
cc: Peoples Counsel

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-180-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the accompanying plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 1802.3.B. and 301.1.

To: Amend A-1 Code side yard setback in lieu of 7.5 ft.
Minimum 7.5 feet for an open projection (carport)

For: Side - No trees in yard.
Protect Vehicles from the vehicles

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Legal Owner(s):
(Type or Print Name) *Ralph A. Long Jr.*
Signature *Ralph A. Long Jr.*
Address *2713 W. Woodwell Rd. 21222*
City and State *Baltimore, MD 21222*

Attorney for Petitioner: *Ralph A. Long Jr.*
(Type or Print Name) *2713 W. Woodwell Rd. 21222*
Address *Baltimore, MD 21222*
City and State *Baltimore, MD 21222*

Name, address and phone number of legal owner, contract purchaser or representative to be contacted:
Ralph A. Long Jr. 2713 W. Woodwell Rd. 21222

Attorney's Telephone No.: *2713 W. Woodwell Rd. 21222*

ORDERED By The Zoning Commissioner of Baltimore County, this 27th day of November, 1989.

That the subject matter of this petition be advertised as required by the Zoning Law of Baltimore County in two newspapers of general circulation throughout Baltimore County, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of December, 1989 at 2:00 p.m.

J. Robert Haines
Zoning Commissioner of Baltimore County

ESTIMATED LENGTH OF HEARING: 15 MIN. (over)
AVAILABLE FOR HEARING: MON-THURS-THURS. - NEXT TWO MONTHS
ALL OTHERS: DATE 7/24/89

SAFECO TITLE INSURANCE CORPORATION
BALTIMORE, MARYLAND 21202

COMMITMENT FOR TITLE INSURANCE
Issued by
SAFECO TITLE INSURANCE CORPORATION

SAFECO TITLE INSURANCE CORPORATION, a Maryland corporation, herein called the Company, for a valuable consideration, hereby agrees to issue a policy of title insurance, as described in Schedule A, in favor of the insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor, all subject to the provisions of Schedules A and B and to the Conditions and Exclusions hereof.

This Commitment shall be effective only when the identity of the proposed insured and the amount of its policy or policies committed to have been entered in Schedule A, heretofore by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment, in preference to the issuance of such policy or policies of title insurance and all liability and obligation hereunder shall cease and terminate thirty days after the effective date hereof or when the policy or policies committed to shall issue, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the Company.

IN WITNESS WHEREOF, SAFECO TITLE INSURANCE CORPORATION has caused its corporate name and seal to be hereunto affixed by its duly authorized officers on the date shown in Schedule A.

THE FOUNTAINHEAD TITLE GROUP
EDWARD J. BRUSH
ATTEST: *Edward J. Brush*
Secretary

SCHEDULE A
Number 5725T
Amount \$50,000.00
Policy or Policies to be issued:
(a) Owner's Policy: RALPH A. LONG, JR. AND ANGELA M. SIMMONS
Proposed loan to: \$31,650.00
(b) Loan Policy:
Proposed loan to: \$31,650.00

AMERICAN FINANCIAL CORPORATION and/or the Secretary of Housing and Urban Development of Washington, D.C., Their Respective Successors and Assigns, as Their Interests May Appear

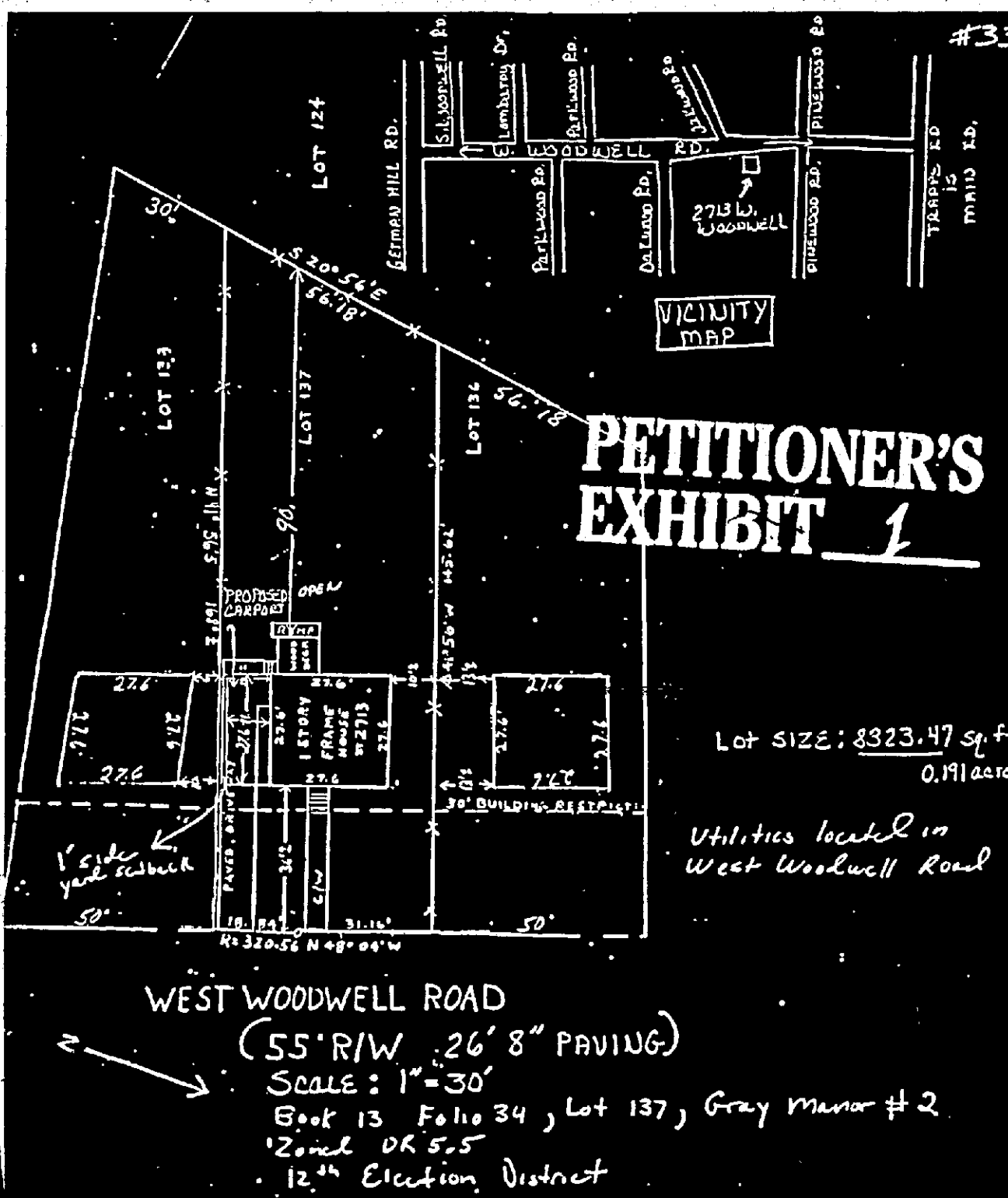
The estate or interest in the land described or referred to in this Commitment and covered herein is for: *Marble*
and as the estate or interest of the heirs and assigns of:
BARBARA ANN SAPP, Personal Representative of the Estate of Frances N. Kern, deceased

The land referred to in this Commitment is described as follows:

All that lot of ground known and designated as Lot No. 137, as shown on the Plat of Gray Manor #2, which plat is recorded among the Land Records of Baltimore County in 91st Book Manor #2, folio 34. The improvements thereon being known as No. 2713 W. WOODWELL ROAD, C.D.E. 13, folio 34. The improvements thereon being known as No. 2713 W. WOODWELL ROAD, C.D.E. 13, folio 34.

ZONING DESCRIPTION

Beginning on the southwest side of West Woodwell Road, 55 feet wide, at the distance of 550 feet northwest of the centerline of Trappe Road, Being lot #137 in the subdivision of Gray Manor, Book No. 13, Folio 34. Also known as 2713 West Woodwell Road in the 12th Election District.



PETITIONER'S EXHIBIT 1
Lot size: 8323.47 sq. ft.
0.191 acres
Utilities located in West Woodwell Road

WEST WOODWELL ROAD
(55' R/W, 26' 8" PAVING)
SCALE: 1"=30'
Book 13, Folio 34, Lot 137, Gray Manor #2
12th Election District

DATE 10/23/89

Please be advised that \$115.28 is due for advertising and posting of the above captioned property.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 885-6353

Receipt
No. 310
90-180-A

Date 11/14/89

PUBLIC HEARING FEES
QTY PRICE
180 - POSTING SIGNS / ADVERTISING 1" X 11" \$115.28
TOTAL: \$115.28

LAST NAME OF OWNER: LONG, JR.

8 DE3*****1152816 5156F

Please make checks payable to Baltimore County

Counter Validation

The work of these tables should not be used to confirm hearing dates.

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 5, 1989

NOTICE OF HEARING



Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-180-A
SUS of West Woodwell Road, 550' NW of c/l of Trappe Road
2713 Woodwell Road
12th Election District - 7th Councilmanic
Petitioner(s): Ralph A. Long, Jr., et al
HEARING: THURSDAY, NOVEMBER 15, 1989 at 2:00 p.m.

Variance: To permit a 1 foot side yard setback in lieu of the minimum 7.5 feet for an open projection (carport).

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

(If "Phase II" of the "SMN EMERGENCY PLAN" is in effect in Baltimore County at the above hearing date, the hearing will be postponed. In the event of snow, telephone 787-3391 to confirm hearing date.)

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs
cc: File

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Reinke
Chief

AUGUST 11, 1989



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RALPH A. LONG, JR.
Location: SW/S of WEST WOODWELL ROAD
Item No.: 33 Zoning Agenda: AUGUST 8, 1989

Gentlemen:
pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *[Signature]* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

AUG 16 1989

CERTIFICATE OF PUBLICATION

TOWSON, MD., Oct 20, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct 19, 1989.

THE JEFFERSONIAN,

S. Zebe Orlean
Publisher

PO 17306
reg M 34255
ca 90-180-A
price \$47.28

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 10th
Location: Variance
Petitioner: Ralph A. Long, Jr., et al
Location of property: SW/S of West Woodwell Rd, 550' NW of Trappe Rd
Location of Sign: Facing West Woodwell Rd, across 15' Farrow Ave
Remarks: Property of R.A. Long
Posted by: [Signature]
Number of Signs: 1
Date of return: 11/2/89

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

October 19, 1989

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hrgs. Case #90-180-A - Reg. #M34256 - P.O. #17307 - 86 lines #43 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 20th day of October 1989; that is to say, the same was inserted in the issues of Oct. 19, 1989

Kimbel Publication, Inc.
per Publisher.

A.C. Ode

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

RECEIVED
AUG 31 1989

ZONING OFFICE



Dennis F. Rasmussen
County Executive

August 25, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, and 42.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lw

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: November 1, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Zoning Petition No. 90-180
Ralph A. Long, Jr., Item 33

The Petitioner requests a Variance to permit a 1 ft. side yard setback in lieu of the minimum 7.5 ft. for an open projection.
In reference to this request, Staff offers no comment.
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the office of Planning at 887-3211.

PK:JL:gg1

11/1/89 sent letter comments to you